

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

FRANCE.COM, INC.,

Plaintiff,

v.

THE FRENCH REPUBLIC, ATOUT
FRANCE, THE MINISTRY OF EUROPE
AND FOREIGN AFFAIRS, JEAN-YVES LE
DRIAN, in his official capacity as the French
Republic's Minister for Europe and Foreign
Affairs, <France.com>, a domain name, and
VERISIGN, INC.,

Civil Action No. 1:18-cv-460
Hon. Liam O'Grady

ORDER

This matter comes before the Court on two motions to dismiss under Federal Rule of Civil Procedure 12(b)(1): a Motion to Dismiss by Defendants Atout France, the French Republic, the Ministry for Europe and Foreign Affairs, and <france.com> (Dkt. 61) and a Motion to Dismiss by Defendant Jean-Yves Le Drian (Dkt. 59). Defendant Jean-Yves Le Drian raises an independent immunity argument and joins the other Defendants in the arguments enumerated in their motion to dismiss.

Also before the Court is a Suggestion of Immunity Submitted by the United States of America. Dkt. 67. The United States informs the Court of its interest in the present action, and that “the Executive Branch has decided to recognize Foreign Minister Le Drian’s immunity from this suit.” *Id.* ¶ 1. Recognizing the Executive Branch’s constitutional role in managing foreign relations, the Court defers to the United States’ determination of immunity in this case. As such, the Motion to Dismiss by Jean-Yves Le Drian (Dkt 59) is hereby **GRANTED**.

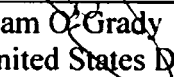
The Motion to Dismiss by Atout France, the French Republic, the Ministry for Europe and Foreign Affairs, and <france.com> (Dkt. 61) is hereby **DENIED**. The Federal Rule of Civil Procedure 12(b)(1) arguments raised in Defendants' brief state that Plaintiff has failed to allege an applicable exception to the Foreign Sovereign Immunities Act ("FSIA") and that the suit violates the principles of comity. The Court does not find that these issues call for dismissal at this time; as noted in the Court's Order of May 31, 2019, they "would best be raised after discovery has concluded." Dkt. 40 at 1.

The Amended Complaint is hereby **DISMISSED** as to Foreign Minister Le Drian only.

The remaining Defendants shall file an answer within ten days of this Order. A scheduling order shall issue forthwith.

It is **SO ORDERED**.

December 6, 2019
Alexandria, Virginia



Liam O. Grady
United States District Judge